

FORTY-NINTH DAY
(Tuesday, April 12, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Absent-excused: Washington.

A quorum was announced present.

Pastor Merle Franke, First English Lutheran Church, Austin, offered the invocation as follows:

Lord, bless us with Your spirit and inspiration as we undertake our various responsibilities and functions. Whether we be janitors or Senators, housekeepers or House members, priests or prophets or peasants, help us to see and fulfill our responsibility to each other and to You. Look upon us with wisdom and knowledge so we may know You as the most fundamental of our knowledge. Help us to understand that only as we know Your care and love for people can we exercise care and attention to the needs of our fellow citizens. Be with this body today and be with all of us as we support them in their duties. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 571

On motion of Senator Montford and by unanimous consent, Senator Glasgow will be shown as Co-author of S.B. 571.

CO-AUTHORS OF SENATE BILL 940

On motion of Senator Washington and by unanimous consent, Senators Glasgow, Edwards and Kothmann will be shown as Co-authors of S.B. 940.

CO-AUTHOR OF SENATE BILL 1179

On motion of Senator Montford and by unanimous consent, Senator Glasgow will be shown as Co-author of S.B. 1179.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 62
S.B. 200
S.B. 487
S.B. 541

S.B. 597
 S.B. 761
 S.B. 1056
 S.B. 1208
 S.C.R. 58
 H.B. 166
 H.B. 1214
 H.B. 1352
 H.B. 600
 H.B. 691
 C.S.S.B. 1082 (Read first time)
 C.S.S.B. 676 (Read first time)
 C.S.S.B. 622 (Read first time)
 C.S.S.B. 279 (Read first time)
 C.S.S.B. 382 (Read first time)

Senator Jones submitted the following report for the Committee on Finance:

C.S.S.B. 391 (Read first time)
 C.S.S.B. 567 (Read first time)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 656 (Amended)
 S.B. 471
 S.B. 1047 (Amended)

Senator Whitmire, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 940
 C.S.S.B. 812 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Truan and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1313 by Truan Health and Human Resources
 Relating to the establishment in the Texas Department of Community Affairs of an office of energy assistance for low-income people.

S.B. 1314 by Parker Intergovernmental Relations
 Relating to the authority of the Jefferson County Drainage District No. 6 and participating entities to acquire property.

S.B. 1315 by Parker Intergovernmental Relations
 Relating to the licensing and regulation of bail bondsmen in certain counties; providing penalties.

S.B. 1316 by Howard State Affairs
 Relating to the sale of certain state property in Paris, Texas.

S.B. 1317 by Montford Jurisprudence
 Relating to the elements of and punishment for the offense of commercial bribery.

S.B. 1318 by Sims Intergovernmental Relations
 Relating to the place that the Court of Appeals for the Third Supreme Judicial District transacts business.

S.C.R. 73 by Uribe, Doggett

Administration

Declaring that the Texas Legislature does align itself with the cause of justice, compassion and humanity by proclaiming that the people of the State of Texas stand in solidarity with the Soviet Jewry.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 825, To Committee on State Affairs.

H.B. 1020, To Committee on Education.

H.B. 1174, To Committee on Health and Human Resources.

H.B. 1346, To Committee on Natural Resources.

H.C.R. 84, To Committee on Health and Human Resources.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 10

SENATE RESOLUTION 443

Senator Mauzy offered the following resolution:

S.R. 443, Recognizing April 12, 1983, as "Dallas County Community College Day".

MAUZY
LYON
EDWARDS

The resolution was read and was adopted.

VOTE ON SENATE CONCURRENCE IN HOUSE AMENDMENTS TO SENATE BILL 98 RECONSIDERED

Senator Traeger moved to reconsider the vote by which the Senate concurred in House amendments to **S.B. 98**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Whitmire.

Absent-excused: Washington.

Question - Shall the Senate concur in the House amendments to **S.B. 98**?

Senator Traeger moved the Senate not concur in the House amendments to **S.B. 98**.

The motion prevailed.

MESSAGE FROM THE HOUSE

House Chamber
April 12, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 24, Granting the Texas State Employees Union permission to sue the State.

H.C.R. 67, Petitioning Congress to eliminate the authority of the I.R.S. to withhold from the earnings of savers and investors on their savings and investments.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 410 REREFERRED

On motion of Senator Mauzy and by unanimous consent, **H.B. 410** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Jurisprudence.

SENATE BILL 470 ON THIRD READING

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 470, Relating to tort liability of units of government.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Brooks, Brown, Caperton, Doggett, Edwards, Glasgow, Henderson, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Vale, Whitmire, Williams.

Nays: Blake, Farabee, Harris, Howard, Jones, Leedom, Sims, Traeger.

Absent: Uribe.

Absent-excused: Washington.

The bill was read third time and was finally passed.

RECORD OF VOTE

Senator Traeger asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 671 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 671, Relating to the regulation of dietitians; providing a penalty.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **C.S.S.B. 671** by striking the last sentence of subsection (g) of Section 3 of the bill.

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Amend Section 3 of **S.B. 671** by striking the language of subsection (f) and substituting the following:

(f) An appointment to the board shall be made with due regard for the race, creed, sex, religion, and national origin of the appointee and the geographical distribution of the members of the Board.

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 671 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 671 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Farmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Vale, Whitmire, Williams.

Nays: Henderson, Howard.

Absent: Harris, Uribe.

Absent-excused: Washington.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Henderson asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 428 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 428, Relating to the rights, powers and duties of the board of the Texas State University System; providing for disposition and use of funds; amending Subdivision (6), Section 61.003 and Sections 95.03, 95.04, 95.21, 95.22, 95.31, 95.33, and 95.34 and adding Section 95.05 and 95.36, Texas Education Code, as amended, and repealing Sections 96.22 and 96.23.

The bill was read second time.

Senator Caperton offered the following committee amendment to the bill:

Amend **S.B. 428** by Caperton by changing page 5, line 17 to read as follows:
be sold for less than the royalty and rental terms demanded at that

The committee amendment was read and was adopted.

Senator Caperton offered the following committee amendment to the bill:

Amend **S.B. 428** by Caperton by amending SECTION 1, page 4, Section 95.34(a) to read as follows:

(a) The board may accept donations, gifts, grants and endowments for the universities under its control to be held in trust and administered by the board for

the purposes and under the directions [direction], limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the universities. All money accepted under the authority of this section shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds.

The committee amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 428 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 428 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 474 ON SECOND READING

Senator Leedom asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 474, Relating to office space, equipment and supplies for justices of the peace; amending Section 1a, Chapter 622, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3912k, Vernon's Texas Civil Statutes).

There was objection.

Senator Leedom then moved to suspend the regular order of business and take up **C.S.S.B. 474** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Kothmann, Leedom, Lyon, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Doggett, Glasgow, Howard, Jones, Mauzy, Sims, Truan.

Absent: McFarland.

Absent-excused: Washington.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **S.B. 474** by substituting "may" for "shall" on line 19.

The amendment was read and was adopted by the following vote: Yeas 20, Nays 9.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Jones, Mauzy, Montford, Parker, Santiesteban, Sarpalius, Sharp, Sims, Truan, Whitmire, Williams.

Nays: Harris, Henderson, Kothmann, Leedom, Lyon, McFarland, Parmer, Traeger, Vale.

Absent: Uribe.

Absent-excused: Washington.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 474 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 474 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Uribe.

Absent-excused: Washington.

The bill was read third time and was passed.

SENATE BILL 708 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 708, Relating to an exemption for certain persons from the requirement of possessing a waterfowl stamp.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 708 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 708** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Jones.

Absent: Uribe.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 42

H.C.R. 132

H.C.R. 36

H.C.R. 37

H.C.R. 140

H.C.R. 143

COMMITTEE SUBSTITUTE SENATE BILL 669 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 669, Relating to juvenile court orders affecting parents and others, including juvenile restitution, and to liability of cities, towns, and counties for certain causes of action that arise from juvenile restitution programs.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 669** as follows:

On page 1, line 16, delete "A disposition" and substitute in its place "An informal adjustment"

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 669 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 669** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Uribe.

Absent-excused: Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 543 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 543, Relating to a tuition exemption for certain students enrolled in a teacher education program.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 543 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 543** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Uribe.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 319 ON SECOND READING

Senator McFarland asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 319, Relating to the regulation of nepotism in government.

There was objection.

Senator McFarland then moved to suspend the regular order of business and take up **S.B. 319** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 1, Present-not voting 1.

Nays: Mauzy.

Present-not voting: Brown.

Absent: Lyon, Parmer, Uribe.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 319 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 319** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1, Present-not voting 1.

Nays: Mauzy.

Present-not voting: Brown.

Absent: Lyon, Parmer, Uribe.

Absent-excused: Washington.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
April 12, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 155, Relating to fees for conducting marriage ceremonies.

H.B. 599, Relating to validation of certain municipal annexations and other governmental acts and proceedings.

H.B. 877, Relating to opening a container or possessing an open container of liquor or beer on the premises of a holder of a wine and beer retailer's off-premise permit or a retail dealer's off-premise license; providing penalties.

H.B. 1345, Relating to the regulation of pipeline transportation of hazardous liquids and the regulation of hazardous liquid pipeline facilities; providing penalties.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 879 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 879, Relating to the authority of a peace officer to make an arrest without a warrant.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 879 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 879** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Lyon, Parmer, Whitmire.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL 98

The President asked if there were any motions to instruct the Conference Committee on **S.B. 98** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Traeger, Chairman; Brooks, Sharp, Whitmire and Edwards.

MEMORIAL RESOLUTION

S.C.R. 74 - By McFarland, Glasgow, Parmer: Memorial resolution for Jerry Mebus.

WELCOME RESOLUTIONS

S.R. 444 - By Glasgow: Extending welcome to government students from Texas Woman's University.

S.R. 446 - By Doggett: Extending welcome to teachers and fifth grade students from Hyde Park Baptist Elementary School.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:26 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(April 12, 1983)

S.C.R. 2

S.C.R. 56

S.B. 10

S.B. 27

S.B. 236

S.B. 249

S.B. 251

S.B. 351

FIFTIETH DAY

(Wednesday, April 13, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Leedom.

A quorum was announced present.

Pastor Merle Franke, First English Lutheran Church, Austin, offered the invocation as follows:

Lord, as we gather from different parts of this state, we pause to look at our widely diverse people, our rich variety of resources, and our admitted differences in our needs and desires. We thank You for these differences which make this rich tapestry of our state and communities.

When we are thrilled by our differences, help us to be thankful for them. If we are scornful of those who are different from us, remind us of our common humanity under one God, and show us Your presence in those who differ most from us.

When we are angered by our differences, give us insight in dealing with our feelings as well as with others. But give us especially the spirit that enables us to meet the needs of all our people with all our vast differences. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.